

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDUARDO REYES NEPOMUCENO,

Plaintiff,

-against-

COLUMBIA DELI & GRILL INC., et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/26/2023

19-cv-3150 (MKV-RWL)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

On October 26, 2023, the Court held a status conference in this matter. All parties were repeatedly directed to attend in person. [See ECF Nos. 126, 128.] Plaintiff and his counsel appeared. However, none of the six Defendants appeared.

As discussed at the conference, **on or before November 13, 2023, Plaintiff must file a motion for default judgment with respect to all Defendants in this action.** There will be NO EXTENSIONS of this deadline. If Plaintiff does not file a motion for default judgment as to every Defendant on or before November 13, 2023, this action **will be dismissed for failure to prosecute.** Plaintiff is directed to comply with this Court's Individual Rules of Practice (specifically Attachment A) in filing its motion. If any part of Plaintiff's motion does not comply with this Court's default judgment procedures, **the motion will be denied and this case will be closed.**

**THIS IS PLAINTIFF'S FINAL CHANCE TO PROSECUTE HIS CASE.** This case is nearly five years old. The Court has repeatedly entered Orders to Show Cause, including after all parties failed to appear for a conference scheduled for January 19, 2023. [See ECF Nos. 84, 119.] Plaintiff has permitted this case to languish. The Court will permit **no** further delays.

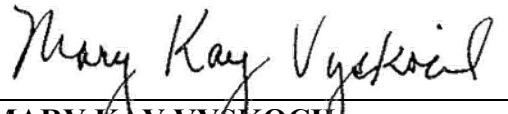
Accordingly, the parties, including Plaintiff personally, are on notice that **failure to comply with this Order, or any Local or Individual Rule of this Court, will result in sanctions,**

**including dismissal of this action, and monetary sanctions, including financial sanctions on counsel.**

Plaintiff is directed to serve a copy of this Order on all six Defendants and to file proof of service on the docket on or before October 31, 2023.

**SO ORDERED.**

**Date: October 26, 2023  
New York, NY**

  
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**MARY KAY VYSKOCIE**  
**United States District Judge**